IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

INCOME TAX REFERENCE NO. 390 OF 1998

The Commissioner of Income-tax,
Bombay City II, Bombay. ...Applicant
V/s
M/s.Perfect Gems Exports Pvt.Ltd. ...Respondent

Mr.A.S. Rao for Applicant.
None for Respondent.

CORAM : S. RADHAKRISHNAN AND
A.S. AGUIAR, JJ.
DATED : JUNE 21, 2005.

P.C. :-

1. Heard learned Counsel for the applicant.

2. The above reference is of the year 1998. This Court by Order dated 21st March, 2005 granted time of two weeks to enable the aplicant to serve the respondent and thereafter file an affidavit of service. Subsequently, some more time was given to serve the respondent. Still, the applicant has not served the respondent nor has filed any affidavit of service.

3. Learned Counsel for the applicant fairly states that he has no instructions as to whether any attempt was made to serve the respondent and admittedly, there is no affidavit of service.

4. In the circumstances, application stands dismissed in default.

(S. RADHAKRISHNAN, J.)

(A.S. AGUIAR, J.)